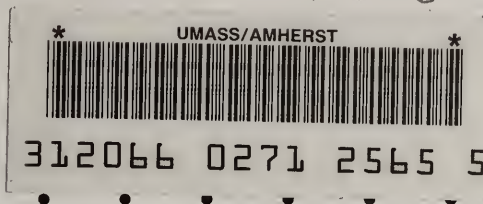


MASS. GC5.2: M28/2



SENATE.

No. 2123

The Commonwealth of Massachusetts

**GOVERNMENT DOCUMENTS
COLLECTION**

MAJORITY

OCT 27 2000

AND

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MINORITY REPORT ON

EXECUTIVE REORGANIZATION PLAN

No. 1 of 2000.

**(submitted by the Governor under the
provisions of Article LXXXVII of the
Amendments to the Constitution)**

**RELATIVE TO THE DEPARTMENT
OF
YOUTH SERVICES**

(See House, No. 5000 of 2000).

SENATE, MARCH 2, 2000

The Commonwealth of Massachusetts

MAJORITY REPORT

House, No. 5000

AN ACT RELATIVE TO THE DEPARTMENT OF YOUTH SERVICES.

House No. 5000 is the Governor's plan to transfer the Department of Youth Services from the Executive Office of Health and Human Services to the Executive Office of Public Safety. According to written documentation submitted to the committee, and oral testimony given by representatives of the Executive Branch at the time of the public hearing on HB5000, while the Department of Youth Services coordinates and collaborates with other Executive Office of Health and Human Services agencies such as the Department of Social Services and the Department of Mental Health, its primary mission concerning public safety and services to juveniles and youthful offenders is more appropriately aligned with those agencies which make up the Executive Office of Public Safety. It is the contention of the sponsor of this legislation that this proposed reorganization plan will not diminish the mission and operation of the Department of Youth Services, nor its ability and responsibility to coordinate and collaborate with other agencies within the Executive Office of Health and Human Services.

Since House No. 5000 was filed pursuant to the provisions of Article LXXXVII of the Amendments to the Constitution of the Commonwealth of Massachusetts it cannot be amended, and must be accepted or rejected exactly as presented. The majority of the members of the Joint Committee on State Administration voted to disapprove the reorganization plan proposed in House No. 5000 for numerous reasons, including the following:

1. The proponents made contradictory statements at the public hearing as to whether the reorganization anticipated by this plan would result in cost savings or efficiencies in the operations of any of the state agencies involved;
2. The proponents made statements that this plan would allow the state to qualify for new federal public safety funds should the Department of Youth Services be transferred to the Executive

Office of Public Safety. They were never able, after repeated questioning by members of the Committee, to cite a single new federal grant or source of any such funds. One year ago the same proponents promised to provide the committee with documentation in support of similar pronouncements relating to a plan exactly the same as House No. 5000 and over a year later the committee members still has not received that promised information.

3. The committee was presented with conflicting testimony as to whether this reorganization plan might cost the Commonwealth \$5 million dollars in federal Medicaid and Mass Health funding by moving the Department of Youth Services out of the Executive Office of Health and Human Services and into the Executive Office of Public Safety.
4. The Committee on State Administration is in agreement with the Chief Justice of the Juvenile Court of the Commonwealth. She testified that this reorganization plan was too drastic a solution for any problems that may presently exist within the Department of Youth Services.
5. The Department of Youth Services is an agency whose role is directed toward juvenile clients, who may or may not have committed crimes, within programs and staffed by personnel which places primary emphasis on client rehabilitation through the use of a variety of therapeutic strategies and settings through an interaction with other state agencies such as the Department of Social Services, the Department of Transitional Aid, and the Department of Mental Health which make up the Executive Office of Health and Human Services. Whereas the Executive Office of Public Safety's role is directed toward adults and places its primary emphasis on the prevention and containment of crime, the arrest and conviction of criminals, and the incarceration, punishment and rehabilitation of prisoners. To move the Department of Youth Services to the Executive Office of Public Safety would strip away the close ties it presently has and utilizes within the human services agencies which make up the Executive Office of Health and Human Services. Such a transfer would create the impression that the Commonwealth of Massachusetts is more interested in the arrest, conviction, and incarceration of its juveniles than it is in serving their needs and solving their problems.

6. A recent governor of the Commonwealth, a former federal prosecutor, and a man who promised to “introduce prisoners to the joy of busting rocks” vetoed a similar move as that proposed by this reorganization plan on July 20, 1990. He stated in that veto message the following:

“This administration filed legislation, enacted in December 1991, to make it easier to prosecute juveniles committing serious crimes as adults, and to thereby transfer them from the jurisdiction of the Department of Youth Services to the jurisdiction of the Department of Corrections (an agency within the Executive Office of Public Safety) where they belong for safety reasons.

Juveniles convicted of less serious crimes should receive treatment that is age-appropriate. The transfer of the Department of Youth Services to the Executive Office of Public Safety will not further that end, may not be cost effective, and will interfere with the coordination of necessary service to youthful offenders among human service agencies.”

7. Much of the change proposed in this reorganization plan could be included in legislation which follows the normal legislative process of the General Court, and not filed under Article 87. The normal process permits ample time to conduct fact finding, to hold hearings and informational meetings, to conduct executive sessions, and allows for the amendment or redraft of any such legislation. The process required by Article 87 prevents this committee and either branch of the General Court from making any change to the legislation at any time. It constricts the deliberative process in such a way that even when constructive change is found or suggested at the legislation’s public hearing there is neither the time nor the ability to make such change. Under Article 87 both the committee and the General Court are only left with the choice to Approve or Not Approve.

A reorganization plan such as this, filed as it is under the provisions of Article 87, without benefit of extensive public hearings and debate circumvents the normal legislative process, and adds to the erosion of the public’s trust in its governmental decision makers.

The Joint Committee on State Administration therefore recommends that House No. 5000 ought **NOT** be approved.

We the undersigned members of the Joint Committee on State Administration recommend that this reorganization, House, No. 5000, ought **NOT** be approved.

Respectfully submitted:

SENATE

Dianne Wilkerson
Charles E. Shannon
Steven A. Tolman
Guy W. Glodis
Frederick E. Berry
Michael R. Knapik

HOUSE

Geoffrey D. Hall
Brian S. Dempsey
Kevin J. Murphy
Thomas A. Golden, Jr.
Kathleen M. Teahan
Walter F. Timilty
Benjamin Swan
Patricia D. Jehlen

We the undersigned members of the Joint Committee on State Administration recommend that this reorganization, House, No. 5000, ought **To Be** approved.

Respectfully submitted:

SENATE

HOUSE

Paul K. Frost

